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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,125

01/06/2006

Monika Ivantysynova

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7590

01/26/2009

CNH AMERICA LLC

INTELLECTUAL PROPERTY LAW DEPARTMENT

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NEW HOLLAND, PA 17557

EXAMINER

WILLIAMS, MAURICE L

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

01/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,125	Applicant(s) IVANTYSYNOVA ET AL.	
	Examiner MAURICE WILLIAMS	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. In the Remarks filed October 27, 2008, applicant stated that a supplement IDS would be filed; however, no documentation has been received. Accordingly, no IDS has been considered in this action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US 3,939,933) in view of David (US 4,820,480).

Armstrong discloses a variable flow hydraulic pump (**74**) in communication with a hydraulically operated device (**34**), the device being incorporated above the articulation joint (Fig. 1, at axis **16**) of a vehicle. Column 2, lines 8-10 of Armstrong explain that the hydraulically operated device, while described as being a ram in the detailed description, may also be in the form of a vane motor. Armstrong does not directly disclose a vane motor having at least two movable vanes. David discloses a vane motor with a plurality of vanes (**56**), wherein a first portion (**58**) of a vehicle runs through the swiveling motor and bearing points (**127, 129**) which form a turning bearing between the first and second portion (**126, 128**) of the vehicle and an additional motor on an

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opposite end of a first motor (Fig. 11). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by David in order to provide more force in actuating the articulation of the vehicle.

4. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of David and Zimmerman et al. (US 6,719,377). Armstrong and David disclose as discussed above, but do not directly disclose an electric motor driving the pump. Zimmerman discloses an electric motor (**100**) used to drive a pump.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by Zimmerman in order to provide an efficient and well-known means of driving the hydraulic pump.

5. Claims 3, 6-8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of David and Sprinkle et al. (US 2003/0013575). Armstrong and David disclose as discussed above, but do not directly disclose a piston pump with a swashplate or a controller with sensors. Sprinkle discloses a pump with a swashplate (**118**) that is controlled by a microprocessor (**52**), which is connected to a sensor (**46**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by David and Sprinkle in order to provide a means of changing the flow of the pump as well as a means of controlling the pump as the operating status of the vehicle changes (col. 4, ln. 62-65 states that it is clear that an electrical element may be used to signal the state of the vehicle).

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6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of David and Zimmerman as applied to claim 2 above, and further in view of Sprinkle. As stated above, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include the components taught by Sprinkle in order to provide a means of changing the flow of the pump as well as a means of controlling the pump as the operating status of the vehicle changes.

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of David and Sprinkle as applied to claims 7 and 11 above, and further in view of Sakamoto et al. (US 5,584,346). Armstrong, David and Sprinkle disclose as discussed above, but do not directly disclose a joystick connected to a controller. Sakamoto discloses the use of a joystick (**220** with a force feedback function (col. 17, ln. 41-42 indicates that the joystick has a return to neutral function). The joystick is connected to an electronic controller (**26**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong as taught by David, Sprinkle and Sakamoto in order to provide an alternative means of steering a vehicle, requiring the use of only one hand.

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of David and Sprinkle as applied to claim 11 above, further in view of Sakaki (US 2002/0170769). Armstrong and Sprinkle disclose as discussed above, but do not directly disclose that the flow of the pump is controlled by a controller according to the steering angle of the steering device. Sakaki discloses a steering system wherein the operation of the pump is dependent on the steering angle recorded

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by a controller (42) (§ 0042, ln. 6-12). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Armstrong, David and Sprinkle as taught by Sakaki in order to provide a way of controlling the operation of the pump via an input means commonly used to determine the operating condition of the vehicle.

Response to Arguments

9. Applicant's arguments were provided with respect to the claims, as amended, and have been addressed above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurice Williams whose telephone number is (571) 272-4263. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maurice Williams/
Examiner, Art Unit 3611
Maurice Williams
Examiner
Art Unit 3611

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MLW

January 19, 2009

/Paul N. Dickson/

Supervisory Patent Examiner, Art Unit 3611